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2 **So Ordered.**



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Patricia C. Williams
Patricia C. Williams
Bankruptcy Judge

Dated: August 20th, 2013

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

In re:

DC No. 11-CV-363-RMP

LLS AMERICA, LLC,

Case No. 09-06194-PCW11

Debtor(s).

BRUCE P. KRIEGMAN, solely in his
capacity as court-appointed Chapter 11
Trustee for LLS America, LLC,

Adversary No. 11-80296-PCW11

Plaintiff(s),

vs.

REPORT AND RECOMMENDATION
RE: PLAINTIFF'S MOTION FOR
ENTRY OF DEFAULT JUDGMENT
AGAINST DEFENDANT TIFFANY
OLSEN (ECF NO. 526)

267406 BC, LTD., et al.,

Defendant(s).

The Honorable Patricia C. Williams, sitting in the United States Bankruptcy Court for the Eastern District of Washington, hereby files this Report and Recommendation regarding plaintiff's Motion for Entry of Default Judgment Against Defendant Tiffany Olsen (ECF No. 526) filed with the bankruptcy court in this adversary proceeding.

1 This Report and Recommendation is made pursuant to the Honorable Rosanna
2 Malouf Peterson's Order Withdrawing the Reference and Referring to Bankruptcy
3 Court for Further Proceedings entered on April 25, 2012 (ECF No. 32) in district court
4 case No. 11-CV-363-RMP.

5 The recommendation is that plaintiff's Motion for Entry of Default Judgment
6 Against Defendant Tiffany Olsen (ECF No. 526) be granted and the attached Default
7 Judgment be entered in this adversary proceeding. The basis for this recommendation
8 is that an Order of Default was entered by the bankruptcy court on July 17, 2013 (ECF
9 No. 475).

10 ///END OF REPORT AND RECOMMENDATION///
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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

In Re:

LLS AMERICA, LLC,

Debtor.

BRUCE P. KRIEGMAN, solely in his
capacity as court-appointed Chapter 11
Trustee for LLS America LLC,

Plaintiff,

v.

267406 BC, LTD., et al.,

Defendants.

US District Case No. 11-CV-363-RMP

Bankruptcy No. 09-06194-PCW11

Adversary No. 11-80296-PCW 11

**DEFAULT JUDGMENT AGAINST
DEFENDANT TIFFANY OLSEN**

JUDGMENT SUMMARY

Judgment Creditor: Bruce P. Kriegman, solely in his capacity as the
Liquidating Trustee under the Confirmed Plan of
the Debtor

Attorneys for Judgment Creditor: Witherspoon Kelley

DEFAULT JUDGMENT- 1

{S0746545; 1 }



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Judgment Debtor: Tiffany Olsen

Principal Amount of Judgment: \$36,117.42 CAD
\$ 250.00 US

Interest on Judgment: Weekly Average of One-Year Constant Maturity (nominal) treasury yield as published by the Federal Reserve System (28 USC § 1961)

This Court having previously entered an Order of Default against Defendant Tiffany Olsen (Adv. Doc. No. 475), and having reviewed the previously filed Memorandum of Authorities (Adv. Doc. No. 465) and Affidavit of Curtis Frye (Adv. Doc. No. 466), and the Affidavit of Shelley N. Ripley in Support of Plaintiff's Motion for Default Judgment filed herewith, and being fully advised in the premises,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Plaintiff, Bruce P. Kriegman, solely in his capacity as court-appointed Chapter 11 Trustee for LLS America, LLC, shall have a judgment against the Defendant Tiffany Olsen, as follows:

1. Monetary Judgment in the amount of CAD \$36,117.42, pursuant to 11 U.S.C. § 550 and RCW 19.40.071;

2. Transfers in the amount of CAD \$17,412.50 made to the Defendant within four years prior to the Petition Filing Date are hereby avoided and Plaintiff

DEFAULT JUDGMENT- 2

{S0746545; 1 }



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1 may take all necessary action to preserve the same, pursuant to 11 U.S.C. §§ 544,
2 550, 551 and 548(a) and (b) and RCW 19.40.041(1) and (2) and RCW 19.40.071;

3
4 3. Transfers in the amount of CAD \$18,704.92 made to the Defendant
5 more than four years prior to the Petition Filing Date should be avoided and
6 Plaintiff should be authorized to take all necessary action to preserve the same,
7 pursuant to 11 U.S.C. §§ 544, 550 and 551 and RCW 19.40.041(1) and 19.40.071;
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9 4. All said transfers to Defendant Tiffany Olsen are hereby set aside
10 and Plaintiff shall be entitled to recover the same, or the value thereof, from
11 Defendant Tiffany Olsen for the benefit of the estate of LLS America, pursuant to
12 11 U.S.C. §§ 544, 550 and 551;
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15 5. All proofs of claim of the Defendant which have been filed or
16 brought or which may hereafter be filed or brought by, on behalf of, or for the
17 benefit of Defendant Tiffany Olsen or any affiliated entities, against the Debtor's
18 estate, in this bankruptcy or related bankruptcy proceedings, are hereby
19 disallowed and subordinated to the monetary judgment granted herein and
20 Defendant Tiffany Olsen shall not be entitled to collect on her proof of claim
21 (Claim No. 327-1) until the monetary judgment is satisfied by Defendant Tiffany
22 Olsen in full, pursuant to 11 U.S.C. §§ 502(d), 510(c)(1) and 105(a);
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6. A constructive trust is hereby established over the proceeds of all transfers in favor of the Trustee for the benefit of the estate of LLS America; and

7. Plaintiff is hereby awarded costs (i.e. filing fee) in the amount of \$250.00 USD, for a total judgment of CAD \$36,117.42, plus \$250 USD, which shall bear interest equal to the weekly average of one-year constant maturity (nominal) treasury yield as published by the Federal Reserve System.

Entered this ____ day of _____, 2013.

HONORABLE ROSANNA PETERSON

Presented by:

WITHERSPOON • KELLEY

s/ Shelley N. Ripley
Shelley N. Ripley, WSBA No. 28901
Daniel J. Gibbons, WSBA No. 33036
Attorneys for Bruce Kriegman, Chapter 11 Trustee

DEFAULT JUDGMENT- 4

{S0746545; 1 }



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